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UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW
Working Group on
International Contract Practices
Twenty-sixth session
Vienna, 11 - 22 November 1996

PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda
3. Preparation of draft convention on assignment in receivables financing
4. Other business
5. Adoption of the report

Notes on the provisional agenda

At the present session, the Working Group on International Contract Practices continues its work on the preparation of a uniform law on assignment in receivables financing, pursuant to a decision taken by the Commission at its twenty-ninth session (New York, 28 May-14 June 1996). [1]

At its twenty-sixth to twenty-eighth sessions (1993 to 1995), the Commission considered three reports by the Secretariat concerning certain legal problems in the area of assignment of receivables (A/CN.9/378/Add.3, A/CN.9/397 and A/CN.9/412). Those reports concluded that it would be both desirable and feasible for the Commission to prepare a set of uniform rules, the purpose of which would be to remove obstacles to receivables financing arising from the

[1] Report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session (1996), Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17), paras. 231-234.

uncertainty existing in various legal systems as to the validity of cross-border assignments (in which the assignor, the assignee and the debtor would not be in the same country) and as to the effects of such assignments on the debtor and other third parties. [2]

Pursuant to a decision taken by the Commission at its twenty-eighth session (1995), [3] the Working Group commenced its work at its twenty-fourth session (Vienna, 13 - 24 November 1995) by considering a number of preliminary draft uniform rules contained in a Report of the Secretary-General (A/CN.9/412). At that session, the Working Group was urged to strive for a legal text aimed at increasing the availability of credit (A/CN.9/420, para. 16). At the conclusion of that session, the Working Group requested the Secretariat to prepare a revised version of the draft uniform rules on assignment in receivables financing (A/CN.9/420, para. 204).

The Working Group considered that revised version of the draft uniform rules (A/CN.9/WG.II/WP.87) at its twenty-fifth session (New York, 8 - 19 July 1996). At that session, the Working Group adopted the working assumptions that the uniform law being prepared would take the form of a convention and would harmonize assignment-related practices existing under national laws (A/CN.9/432, paras. 28 and 69 respectively). At the conclusion of that session, the Working Group requested the Secretariat to prepare a newly revised draft (A/CN.9/432, para. 269).

The Working Group is composed of all States members of the Commission. These are:

Algeria, Argentina, Australia, Austria, Botswana, Brazil, Bulgaria, Cameroon, Chile, China, Ecuador, Egypt, Finland, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

Item 1. Election of officers

The Working Group, in accordance with its practice at previous sessions, may wish to elect a Chairman and a Rapporteur.

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[2] Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session (1993), Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17), paras. 297-301; Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session (1994), Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 (A/49/17), paras. 208-214; and Report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session (1995), Official Records of the General Assembly, Fiftieth Session, Supplement No. 17 (A/50/17), paras. 374-381.

[3] Ibid., A/50/17, paras. 374-381.

Item 3. Preparation of draft convention on assignment in receivables financing

The Working Group will have before it a note by the Secretariat containing newly revised articles of the draft convention on assignment in receivables financing (A/CN.9/WG.II/WP.89). The Working Group may wish to use the note as a basis for its deliberations.

The following documents will be made available at the session:

(a) Report of the Working Group on International Contract Practices on the work of its twenty-fifth session (A/CN.9/432);

(b) Note by the Secretariat: Revised articles of draft uniform rules on assignment in receivables financing (A/CN.9/WG.II/WP.87);

(c) Report of the Working Group on International Contract Practices on the work of its twenty-fourth session (A/CN.9/420);

(d) Report of the Secretary-General: Assignment in Receivables Financing (A/CN.9/412);

(e) Report of the Secretary-General: Legal Aspects of Receivables Financing (A/CN.9/397); and

(f) Note by the Secretariat: Assignment of Claims (A/CN.9/378/Add.3).

Item 5. Adoption of the report

The Working Group may wish to adopt, at the close of its session, a report for submission to the thirtieth session of the Commission (to be held from 12 to 30 May 1997 at Vienna).

Meetings

The session of the Working Group will take place from 11 to 22 November 1996 at the Vienna International Centre. There will be 8 working days available for consideration of the agenda items at the session. No meeting will be scheduled for Thursday, 21 November, in order to allow for the preparation of the draft report of the session. Meeting hours will be from 9:30 to 12:30 and from 14:00 to 17:00, except on Monday, 11 November 1996, when the session will commence at 10:00.

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